

EFS

Confirmation No.: 1032

Request for Reconsideration filed May 18, 2011

filed in response to Office Action dated November 18, 2011

Dkt. No. 34294/3

**REMARKS**

Claims 1, 4, 6 and 8-18 are pending.

Reconsideration based on the following remarks is respectfully requested.

The Office Action rejects claims 1, 4, 6 and 8-18 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,271,626 to Llenas (“Llenas”). This rejection is respectfully traversed.

The claimed invention is directed to a method of advertising in which a contest clue is broadcast during the broadcasting of a commercial, and in particular within the commercial content of the commercial itself. In particular, as shown in FIG. 3 of the application, a clue may be broadcast within a commercial as part of or during the commercial broadcast. As recited in the independent claims, at least one clue is broadcast at least partially ***during*** the audio content of at least one commercial ***as part of the audio content related to the commercial's audio content***. As explained below, Llenas does not disclose or even suggest this feature.

Llenas addresses the issue of the waste caused by unused space between commercials, known as “black spaces”, or at the end of commercials, known as “fade-to-black” spaces. See column 5, lines 49-61 of Llenas. According to Llenas, by providing detection signals that indicate upcoming black spaces between programs and commercials, “...the utility of black spaces ***between*** the allotted blocks of program and commercial time can instead be maximized in a way that retains and even increases viewership of the commercials.” See column 6, lines 29-38 of Llenas (emphasis added).

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Llenas goes on to describe several embodiments in which clues are inserted into either the black spaces between commercials or within the fade to black time of a commercial, ***but not within the commercial itself as part of the audio content related to the commercial.*** In this regard, neither the fade to black time of a commercial nor the black space between commercials contain audio content. Thus, if a clue is inserted only into the black space between commercials or within the fade to black time of a commercial, as Llenas discloses, the clue is not broadcast ***during*** a commercial as part of the audio content related to the commercial, but is instead broadcast ***between*** the broadcast of audio content related to two commercials or at the end of a commercial ***after*** the audio content related to the commercial has already broadcast.

As discussed above, the invention disclosed in Llenas does not anticipate or even suggest the claimed invention. Llenas also describes prior contest schemes that also do not anticipate or even suggest the claimed invention. For example, at column 2, lines 34-40 of Llenas, a contest is described in which a clue is broadcast during a commercial break. Llenas discusses that a drawback of this type of contest is that, “since the words or clues may actually require one to two seconds of time, the remaining five to nine seconds [of the period of time allotted to a commercial] may be very expensive wasted time.” See column 2, lines 45-57 of Llenas. This obviously suggests that the prior contest scheme discussed in Llenas involves broadcasting clues as part of a separate contest spot, rather than as part of audio content related to a commercial.

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For at least these reasons, it is respectfully submitted that claims 1, 8 and 15-18 are allowable. The dependent claims are also allowable for the reasons discussed as well as for the additional features they recite. Withdrawal of the rejections of the claims and allowance of the application is respectfully requested.

If any fees are required to preserve the pendency of the subject application, please debit Deposit Account No. 01-1785. Likewise, if there is overpayment, please credit the same account.

Respectfully submitted,

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